

SITE DEVELOPMENT PERMIT

FILE NO.	H21-055
LOCATION OF PROPERTY	696 East Trimble Road
ZONING DISTRICT	Industrial Park
GENERAL PLAN DESIGNATION	Industrial Park
PROPOSED USE	Site Development Permit to allow site modifications to an existing parking lot including relocating the existing standard vehicular parking stalls to the area near Trimble Road, reconfiguring the northeast portion of the site to accommodate approximately 167 van parking stalls, restriping the parking lot along Kruse Drive, installing fences to enclose the new van parking area and two new vehicular gates at Kruse Drive, and removing 18 ordinance-sized trees and 22 non-ordinance-sized trees on a 17.4-acre site.
ENVIRONMENTAL STATUS	Exempt per CEQA Guidelines Section 15304
APPLICANT ADDRESS	Tim Ballas c/o Orchard Commercial, Inc. 2055 Laurelwood Road, Suite 250 Santa Clara, CA 95054
OWNER ADDRESS	FW01, LLC and WF01, LLC c/o Orchard Commercial Inc. 2055 Laurelwood Road, Suite 250 Santa Clara, CA 95054

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding this proposed project:

1. **Site Description and Surrounding Uses.** The subject 17.4-gross acre site is located on the south corner of Montague Expressway and Kruse Drive, and is currently occupied by a 206,881-square foot warehouse/distribution facility (Federal Express Ground) and parking and loading areas. The site is surrounded by industrial and warehouse buildings to the northeast across street from Kruse Drive and to the southeast and southwest, industrial R&D buildings to the west across street from Trimble Road, and an R&D office campus to the northwest across the street from Montague Expressway.

2. **Project Description.** This Site Development Permit is to allow site modifications. No changes are proposed to the existing building and no new structures are proposed. The project will relocate the existing standard vehicular parking stalls near the corner of Montague Expressway and Kruse Drive to the area near Trimble Road, reconfigure the northeast portion of the site to accommodate approximately 167 van parking stalls, restripe the parking lot along Kruse Drive, install 7-foot-high chain link fences to enclose the new van parking area and to connect the existing chain link fences along Kruse Drive. The project would also install two new vehicular gates at Kruse Drive, and remove 18 ordinance-sized trees and 22 non-ordinance-sized trees. The vehicular gate at the northerly driveway only allows for exiting.
3. **General Plan Conformance.** The subject site is designated Industrial Park (IP) on the Envision San José 2040 General Plan Land Use/Transportation Diagram. The Industrial Park land use designation is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The existing use is a warehouse/distribution facility, which is consistent with the IP land use designation. The project only proposes site modifications and does not change the existing use.

The project is also consistent with the following General Plan Policy:

Land Use Policy LU-7: Encourage industrial suppliers/service business retention and expansion in appropriate areas in the City. The project is consistent with this policy in that the project keeps the industrial use in a parcel designated for industrial uses.

4. **Zoning Conformance.** The proposed project site is located in the Industrial Park Zoning District.
 - a. **Use.** Warehouse/distribution facility use is allowed in the Industrial Park Zoning District. The project does not change this existing use.
 - b. **Height.** Per Municipal Code Section 20.5.200, the maximum allowable height for structures at this site is 50 feet. The project does not change the existing building height. The proposed fences and gates are 7-foot height.
 - c. **Setbacks.** Per Notes 1 to 3 of Tale 20-120 under [Section 20.50.200](#), "Front" refers to lot boundaries abutting streets excluding freeways. "Side" refers to lot boundaries not abutting streets or which abut freeways. "Rear" refers to lot boundaries not abutting streets or which abut freeways. Hence, front refers to the portion of the property line abutting Montague Expressway and the property line along Kruse Drive. The rest of the property lines are side/rear property lines.

The IP Zoning district requires a minimum 25-foot front setback for parking and circulation for passenger vehicles. There are no setback requirements for rear and interior side. The row of van parking stalls along Montague Expressway is within an existing paving area which is less than 25 feet to the front property line along Montague Expressway. Therefore, these parking stalls could be exempted from this 25-foot front setback requirement. The drive aisle along Kruse Drive within the van parking area is also less than 25 feet to the property line along Kruse Drive. Because this drive aisle is existing, it is also exempted from this front setback requirement.

- d. **Parking.** There are 367 existing vehicular parking spaces. The project will provide 370 parking spaces. Because the use of the existing building is not changed, no additional parking would be required. The project would not result in reducing the total number of the vehicular parking spaces.
- e. **Lighting** (Section [20.50.250](#)): All lighting or illumination shall conform with any lighting policy adopted by the city council. Outdoor lighting must be directed downwards. No ground mounted light fixture shall exceed twenty-five feet in height.

The project site is not adjacent to residential use. The lighting plan shows that the parking lot lighting poles are all 25-foot high. All lights are directed downwards. Project complies.

- 5. **Citywide Design Standards and Guidelines.** The project is subject to the San Jose Citywide Design Standards and Guidelines (CDSG). The CDSG includes an exception process for design standards which cannot be met and establish findings in Section 1.1.2 of the CDSG that are required to be made by decision makers in order to grant the requested design standard exceptions. These findings include:

- There is a physical constraint or unique situation that:
 - Is not created by the project applicant or property owner; and
 - Is not caused by financial or economic considerations.
- Approving the waiver will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located.
- The proposed project meets the intent of design standard under consideration to the extent feasible.

The project has been determined to be consistent with applicable standards, with the following requested exception:

- i. Chapter 2.3.8. Landscaping and Stormwater Management. S1: Select trees which at maturity create a tree canopy cover that shades a minimum of 50 percent of each on-site surface parking area, common open space at the ground floor, and Privately-owned (and maintained) Public Open Space.

This design standard applies to the standard vehicular parking lot near East Trimble Road. The proposed tree canopies at maturity on this parking lot would cover an area of approximately 44.6%. A 10' public storm drain easement and a 15' public sanitary sewer easement conflict with potential tree locations and the required clearance from these easements also reduce the areas for tree planting. The reasons discussed above are the physical constraints not created by the applicant or the owner and is not caused by financial or economic considerations. Approving this exception will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located. The project also meets the intent of this design standard by maximizing the proposed shading that can feasibly achieved. Therefore, findings to this exception can be made.

- 6. **Site Development Permit Findings.** Section 20.100.630 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.

- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies.

Analysis: As stated in the General Plan section above, the project is consistent with the Industrial Park land use designation and General Plan policies.

- b. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: As noted above, the project is consistent with the development standards of the Industrial Park Zoning District.

- c. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency.

Analysis: The proposed project is consistent with all applicable City Council policies. Compliant with Council Policy 6-30: Public Outreach Policy, a notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website and two development signs have been posted on site since March 2022. Additionally, the project is consistent with City Council Policy 4-3, Outdoor Lighting on Private Developments, in that all lighting fixtures are appropriately shielded and directed downwards.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: There is only one building on site. The project does not propose any changes to this existing building and does not propose any new structures. The uses on site surrounding this existing building are still standard vehicular parking to the southwest of the building, loading area at the back, and some trailer parking stalls to the northeast along Kruse Drive. The only change of the surrounding use is adding van parking stalls to the existing vehicular parking lot at the corner of the Montague Expressway and Kruse Drive and on the area to the northwest of the existing building. The interrelationship is similar to the existing since there are existing parking lot and circulation within that area. There are landscape buffers around the new van parking area. Therefore, the uses on-site are still mutually compatible and aesthetically harmonious.

- e. The orientation, location, and elevation of the proposed buildings and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: As discussed above, the project does not propose any changes to the existing building. New 7-foot height chain link fences are proposed to enclose the van parking area and to connect the existing chain link fence along Kruse Drive. Landscape buffers are provided between the van parking area and the sidewalks. The installation of the fences with landscape buffers would not result in changing the character of the neighborhood and would not change the relationship to the adjacent development.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: The project occurs in an urbanized area that is adequately served by all required utilities and public services, and the Stormwater Control Plan is in compliance with the City's stormwater policies that require low impact development stormwater measures to minimize stormwater pollutant discharges. Construction activities may result in temporary noise, vibration, and air quality impacts. No odors are associated with the operation of the facility. The surrounding uses are industrial/commercial in nature and therefore not noise-sensitive.

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The project would maintain the existing landscape areas around the site and propose new landscape areas with trees on the expanded parking lot near Trimble Road, and provide landscape buffers around the new van parking area. 7-foot height chain link fences would be installed to enclose the van parking area and to connect to the existing chain link fence along Kruse Drive.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: The project would not result in parking space reduction. This site is accessible by two driveways on Kruse Drive and one driveway on Trimble Road. Adequate pedestrian access is provided via walkways and paved areas connecting to the adjacent public sidewalk.

The project would install two vehicular gates on the two driveways at Kruse Drive. The gate on the northerly driveway only allows exiting. The entry gate on the southerly driveway is more than 50 feet from face of curb. The installation of the two gates would not result in queuing issue.

- 7. **Tree Removal Findings.** Chapter 13.32 of the San José Municipal Code establishes at least one of the following required findings must be made for issuance of a Tree Removal Permit, which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in this Permit.

- a. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of Chapter 13.32 of the San José Municipal Code as set forth in Section 13.32.010;
- b. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question;
- c. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.

Analysis: The project proposes to remove 18 ordinance-sized trees and 22 non-ordinance-sized trees. The trees to be removed are all within the new parking and circulation areas. The removal of those trees is necessary in order for the proposed development to be realized. The removal of these 40 trees would require 112 15-gallon (or 56 24-inch box) replacement trees and the project proposes 91 24-inch box trees.

8. **Environmental Review.** Under the provisions of Section 15304 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) (Class 4 Categorical Exemption), this Site Development Permit is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. CEQA Guidelines Section 15304 Minor Alterations to Land, Class 4, consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- a. Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- b. New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

Analysis: The project would occur in an urbanized area that is adequately served by all required utilities and public services. There is little to no habitat located on the site, and the site is not within close proximity to any rivers, waterways, riparian habitat, not in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone. Although the site is within the State of California Seismic Hazard Zone, a geotechnical investigation report addressing the potential hazard of liquefaction is not required to be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance due to the work scope (only including parking lot and surface improvements) per Public Works Final Memo dated May 4, 2022. The area to be graded on the site is flat and will result in minimal changes to the existing grade. The site is classified as Urban-Suburban land cover in the Santa Clara Valley Habitat Conservation Plan, and no endangered, rare, or threatened species habitat have been identified on-site. Therefore, the project is not located in an environmentally sensitive area.

No changes are proposed to the existing building and no new structures are proposed. The project would convert the existing landscape area in front of the building to accommodate a van parking area, expand and reconfigure an existing parking lot, and restripe an existing trailer parking area. 40 trees within the proposed parking and circulation areas will be removed and 56 24-inch box trees will be planted as replacement trees. The project would install chain link fences to enclose the new van parking area and connect to the existing chain link fence along Kruse Drive. Two vehicular gates would be installed on the two existing driveways at Kruse Drive. The gate on the northerly driveway would only allow for exiting. The entry gate on the southerly driveway would setback more than 50 feet from the face of curb. Therefore, the installation of the vehicular gates would not result in queuing issue. Per the Public Works Final Memo dated May 4, 2022, the project would result in less-than significant transportation impacts and the projected traffic for the project was reviewed and found to be minimal.

The project would also comply with all applicable City requirements, including the City's stormwater policies requiring low-impact development stormwater measures to minimize discharge of stormwater pollutants. The temporary construction period for the project would include implementation of standard permit conditions and would not have an unacceptable negative effect on adjacent properties. Additionally, project construction and operation would not result in generation of excessive noise or odor.

Based on the above analysis, the project is found to be exempted from the environmental review per CEQA Guidelines Section 15304.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the permittee fail to file a timely and valid appeal of this Site Development Permit (collectively "Permit") within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
 - a. Acceptance of the Permit by the permittee; and
 - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by the Director, if within such time period, the proposed use of the site or the construction of buildings (if a Building Permit is required) has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this Permit and the permittee's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

4. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
5. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans entitled, "Site Development Permit of 696 East Trimble Road for Fedex, File No. H21-055" dated May 13, 2022 on file with the Department of Planning, Building and Code Enforcement, and to the San Jose Building Code with the exception of any subsequently approved changes.
6. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San Jose Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related complete Public Works Grading Permit Application or Building Permit Application has been filed.
9. **Tree Protection Standards.** The Permittee shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the Permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
10. **Replacement Trees.** The project requires a total of 112 15-gallon replacement trees to be planted on site for the removal of 18 ordinance-sized trees and 22 non-ordinance sized trees. One 24-inch box tree is equal to two 15-gallon trees.

11. **Irrigation Standards.** The Permittee shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
12. **Construction Disturbance Coordinator.** Rules and regulation pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
13. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, H21-055, shall be printed on all construction plans submitted to the Building Division.
 - b. *San Jose's Natural Gas Infrastructure Prohibition and Reach Code Ordinances.* The City's Natural Gas Infrastructure Prohibition and Reach Code Ordinances apply to this project and all requirements shall be met. For more information, please visit www.sjenvironment.org/reachcode.
 - c. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
 - e. *Other.* Such other requirements as may be specified by the Chief Building Official.
14. **Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the project must comply with the 2019 California Fire Code.
15. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
16. **Lighting.** On-site lighting is approved as shown on the approved plans. Any additional on-site exterior lighting shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment. All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
17. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
18. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.

19. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
20. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
21. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
22. **Anti-Graffiti.** The Permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
23. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
24. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
25. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
26. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
27. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
28. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the issuance of Building permits, the Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources>.
 - a. **Transportation:** This project does not require a detailed CEQA Transportation Analysis nor a Local Transportation Analysis. The project is expected to result in less-than significant transportation impacts and the projected traffic for the project was reviewed and found to be minimal.
 - b. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The

- drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under the City of San Jose Municipal Code Section 24.04.100 or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the Permittee is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction **is not** required to be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance.
- c. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- d. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- e. **Flood Zone AH & X:**
- i. A portion of the site is located within Flood Zone AH. Based on the project work scope, there are no additional City floodplain requirements.
 - ii. A portion of the project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- f. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- g. **Street Improvements:** Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.

29. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San Jose Municipal Code it finds: \

- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this 25th day of May, 2022.

Chris Burton, Director
Planning, Building, and Code Enforcement

Deputy
Robert Manford